

Message Text

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ACTION ARA-10

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FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC 1570

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EO 11652: NA

TAGS: CI, PINS

SUBJ: COURT MARTIAL SENTENCES DRASTICALLY REDUCED BY REVIEW
AUTHORITY

1. SUMMARY. SOME THIRTY MILITARY TRIBUNAL SENTENCES IMPOSED IN A TRIAL IN DECEMBER 1973 HAVE BEEN DRASTICALLY REDUCED BY THE MILITARY REVIEWING OFFICER IN WHAT MAY BE A SIGNAL THAT THE GOC RECOGNIZES THE OVER-REACTION OF THE TRIBUNALS DURING THE IMMEDIATE POST-COUP MONTHS. END SUMMARY.

2. SANTIAGO PRESS DEC 27 REPORTED THAT SANTIAGO GARRISON COMMANDER GEN. SERGIO ARELLANO STARK, IN CAPACITY AS REVIEWING OFFICER FOR MILITARY TRIBUNAL HELD IN TOWN IF LOS ANDES IN DECEMBER 1973, HAS REDUCED ORIGINAL 15-YEAR SENTENCE FOR MOVEMENT OF REVOLUTIONARY LEFT (MIR) MEMBER TO 3 YEARS OF "RELEGATION" (RESTRICTION TO A PARTICULAR GEOGRAPHIC ARES) IN RELATIVELY AGREEABLE TOWN OF COPIAPO. REPORT INDICATES THAT SOME 30 PERSONS WILL BENEFIT FROM REDUCTIONS OF SENTENCES IN THIS SAME REVIEW.

4. PERSON DISCUSSED IN PRESS IS JOSE ALBERTO DE LA FUENTE ARANCIBIA, AGE 28, MARRIED, A TEACHER OF SPANISH, WHO CLAIMED TO HAVE LEFT MIR IN MAY 1973. MILITARY TRIBUNAL IN DEC 73 STILL CONSIDERED HIM "DISTINGUISHED INTELLECTUAL
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OF THE EXTREMIST CURRENT" AND SENTENCED HIM TO 15 YEARS.

DE LA FUENTE NOW WILL GO TO COPIAPO, WHERE HE EXPECTS TO WORK IN HIS SPECIALTY AT THE LOCAL UNIVERSITY.

5. STORY WAS WRITTEN ON BASIS OF LETTER SENT TO GEN. ARELLANO BY DE LA FUENTE, IN WHICH DE LA FUENTE EXPRESSED DEEP GRATITUDE AND HIS DETERMINATION TO STAY OUT OF POLITICS, REJECTING OFFERS OF SCHOLARSHIPS ABROAD TO STAY IN CHILE AND WORK IN HIS PROFESSIONAL AREA.

6. MOST SIGNIFICANT POINT IS ASSERTION IN PRESS ACCOUNT THAT THIS "DEMONSTRATES FAIRNESS WHICH MILITARY JUSTICE IS SHOWING IN REVIEW OF THOSE CASES IN WHICH, BECAUSE OF THE TENSION OF THE FIRST MOMENTS (I.E. FIRST MONTHS AFTER THE COUP), THERE MAY HAVE BEEN ERRORS IN JUDGMENT (APRECIACION)."

7. COMMENT. IN COURSE OF GENERAL CONVERSATION WITH EMBOFF DEC 27 UNDER SECRETARY OF INTERIOR SAID THIS CASE WAS NOT MEANT AS A SIGNAL OF GOC INTENTIONS ON TREATMENT OF PERSONS IN THIS CATEGORY; SAID IT IS INDIVIDUAL INSTANCE, NOT NECESSARILY TO BE TAKEN AS INDICATIVE OF GOC INTENTIONS.

8. EMBASSY BELIEVES HOWEVER THAT THESE REDUCTIONS AND ACCOMPANYING COMMENT IN "SELF-CENSORED" PRESS WHICH IMPLIES ADMISSION OF SOME OVER-REACTION OF MILITARY TRIBUNALS IN POST-COUP DAYS WILL BE READ AS ANOTHER EXAMPLE OF INCREASING GOC SENSITIVITY TO HUMAN RIGHTS CRITICISMS. SUCH REVIEWS AND REDUCTIONS OF SENTENCES COULD PROVIDE MEANS FOR UNDOING SOME OF DAMAGE TO IMAGE OF GOC, ASIDE FROM FORMAL AMNESTY PROGRAM.
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